

Discovery

The Court expects parties and counsel to conduct discovery cooperatively and fairly. On motions for discovery that have been referred to the Magistrate Judge, counsel is required to meet and confer in accordance with E.D. Mich. LR 37.1 in an attempt to resolve, or at least narrow the disputed issues. The Court requires counsel to engage in a good-faith attempt to resolve all discovery matters before a motion is heard, and to submit a Stipulation and Order Resolving Motion where the parties have been able to work out their differences. Accordingly, parties are directed to meet and confer face-to-face, in advance of the hearing, for an item-by-item discussion of each issue in dispute.

If unresolved issues remain, the parties shall cooperatively prepare a Joint List of Unresolved Issues setting forth the issues that remain unresolved. The Joint List must certify that good faith efforts to resolve the matter[s] in controversy have been undertaken and specify the date(s), time(s), method/mode, and length of the events by which the meet-and-confer requirements were fulfilled. The Joint List shall not exceed ten pages, absent good cause, and should be structured as follows:

Unresolved Issue No. 1: [Recite Issue]

- Movant's position:
- Respondent's position (including any proposal made to resolve movant's request):

No exhibits or attachments shall be filed with the Joint List. The list should be e-filed by the moving party at least two business days prior to the hearing.

This meet-and-confer requirement is not satisfied by an email exchange or message left unanswered, or by mere compliance with LR 7.1, which requires the moving party to seek concurrence in a motion. Where a conference has not been conducted, the moving party is to submit a written statement to the Court outlining all steps taken to undertake a conference with the opposing party. Any party refusing to appear for the conference or confer as the Court directs will be subject to costs and/or sanctions.

When the District Judge has expressly referred all discovery disputes to the Magistrate Judge, the Court is available to conduct an informal discovery conference (usually by telephone) to resolve pressing discovery disputes and may schedule such a conference on its own initiative. However, the parties should still make a good-faith attempt to engage in the LR 37.1 conference ahead of this informal conference.

In a particular case, where there are multiple discovery disputes or where many motions are filed, the Court may set the matter for a general discovery conference or direct the parties to conduct a Federal Rule of Civil Procedure 26(f) conference.